

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 85-0489-RGS

UNITED STATES OF AMERICA,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION, et al.,

Defendants.

CIVIL ACTION NO. 83-1614-RGS

CONSERVATION LAW FOUNDATION OF NEW ENGLAND, INC.,

Plaintiff,

v.

METROPOLITAN DISTRICT COMMISSION,

Defendant.

SCHEDULE SEVEN COMPLIANCE ORDER NUMBER 222

January 17, 2012

STEARNS, D.J.

This is the two hundred and twenty-second Compliance Order that has issued in this litigation. On December 15, 2011, the Massachusetts Water Resources Authority (MWRA) filed its Quarterly Compliance and Progress Report. The United States and the Conservation Law Foundation have indicated that they will not file a response.

I. Schedule Seven

There were no scheduled activities for the last quarter on Schedule Seven.

A. Progress Report

1. Combined Sewer Overflow (CSO) Program

The MWRA reports that from September 16, 2011, to December 15, 2011, the North Dorchester Bay CSO storage tunnel and its related facilities captured approximately 63 million gallons of CSO and stormwater. There were no discharges to North Dorchester Bay or the South Boston beaches during the 19 rainfall events during this time period. Instead, stored flows were dewatered and pumped to Deer Island after each storm.

a. Cambridge Sewer Separation

The MWRA reports continued progress on Contract 12. The contractor has cleared (and begun excavation of) the 3.4 acres where the wetland basin will be sited. The gas line, electric bundle, and water and

sewer force mains have been placed. The City of Cambridge expects to complete construction of Contract 12 in April of 2013, in compliance with Schedule Seven. In addition, as was also reported last quarter, the design phase for the three remaining projects that comprise the CAM004 sewer separation project is progressing normally, and all projects are expected to be completed by December of 2015, in compliance with Schedule Seven.

- b. Control Gate and Floatables Control at Outfall MWR003 and MWRA Ridge Avenue Siphon Relief; Interceptor Connection Relief and Floatables Control at Outfall SOM01A

The MWRA reports that it has drafted the scope of services for the last two projects in its long-term CSO control plan, and plans to award the design contract by April of 2012, in compliance with Schedule Seven.

- c. Brookline Sewer Separation

The MWRA reports that the Town of Brookline continues to make substantial progress on its sewer separation project, which consists of two contracts. The first contract was completed in January of 2010, and the second project, which involves installing 3,790 linear feet of storm drain and 5,840 linear feet of sanitary sewer (partially done by open trench method and the remainder by microtunneling). This project is at the 50 percent mark and is expected to be completed before the July 2013 milestone.

The MWRA additionally reports that it expects to complete the cleaning of CSO Outfall MWR010 by August of 2012.

d. Reserved Channel Sewer Separation

The MWRA reports that BWSC continues to make progress on the Reserved Channel sewer separation project. The design consultant is in the process of redesigning certain portions of the project after discovering certain conflicts with utilities. BWSC is coordinating with NStar, National Grid, Verizon, and Comcast to resolve these conflicts, and does not anticipate a delay in the overall schedule, which is on track for completion by December of 2015, in compliance with Schedule Seven.

II. Comments

The court is pleased with the continuing unimpeded progress on this massive project. The court takes special note of the accolade bestowed on the MWRA by *Trenchless Technology* magazine, which has designated the \$85.7 million East Boston Branch Sewer Relief Project as its 2011 Project of the Year. (The court had the opportunity on two occasions to visit the East Boston project before its completion in 2010 and fully understands why it has been singled out for this exceptional recognition).

ORDER

The parties are ordered to report to the court as previously scheduled.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE